S.B.Cr.Misc. Bail App. No. 5692/2007
(Shiv Shanker Vs. State of Rajasthan)

Date of order : 29/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Shreedhar Purohit for the petitioner.

Mr. Ashok Upadhyay Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that a first information report was lodged by the police on the Parcha Bayan of the injured Kishanlal recorded on 20.7.2007 at 3.30 PM stating therein that at about 7.45 AM while he was walking in the park, Shivlal, Nandu and their wives and nephew, five persons came in the park. The Wives of Shivlal and Nandu had the bucket and jug in their hands, Shivlal and Nandu caught hold him, their nephew set on his legs and wives of Shivlal and Nandu who were having bucket and jug in their hands threw the Acid over him. However, subsequently, he made a statement on 10.8.2007 stating therein that he has named the persons in his Parcha Bayan on the saying of somebody wrongly and Acid was thrown by petitioner Shiv Shanker. According to learned counsel for the petitioner in the initial version of the Parcha Bayan of the injured, the name of the petitioner does not find place and in order to falsely implicate the petitioner he has been implicated in the supplementary statement giving up the original accused against whom he made

specific allegations in the Parcha Bayan.

I have carefully gone through both the statements i.e. original Parcha Bayan as also supplementary statement recorded on 10.8.2007 as also injury report.

Having regard to the facts and circumstances of the case and the fact that in the initial version, the petitioner has not been named, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Shiv Shanker S/o Radha Kishan be released on bail in FIR No. 212/2007 P.S. Naya Sahar provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP